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DOCKET NO. S-20651A-09-0029

Motion for Immediate Dismissal & Severe Sanctions

Respondent: Kyle Schmierer

Docket Control Arizona Corporation Commission
1200 West Washington Phoenix, AZ 85007

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AZ Corporation Commission Securities Division's continues to attempt to deny the respondent a fair trial, to deny due process, to deny constitutional rights and to destroy democracy. This case must be immediately dismissed and significantly severe sanctions must be placed on such despots to prevent such destructive and abusive behavior in the future. To do otherwise is a sin of omission and inaction which allows evil doers to destroy our democracy.

The fact that Securities Division continues to fight the release of essential information such as, the full contact details of Peggy Scozzari, that I have repeatedly requested in discovery motions and push for a premature trial, clearly demonstrates that Securities Division knows they have no case so they must resort to lies, dirty tricks and violations of my constitutional rights so then can win at all cost and extort money from me. Why are they afraid of the truth! Why do they try to stop me from getting evidence to defend myself? Why are they afraid of a fair trial?

The fact that the Securities Division continues to fight my constitutional right to a jury trial and is attempting to force me into a hearing prematurely where I have had not time to defend myself nor been given all the information I require for a fair trial clearly demonstrates that Securities Division knows they have no case so they must resort to lies, dirty tricks and violations of my constitutional rights so then can win at all cost and extort money from me.

This illegal and immoral behavior is a threat to justice and our democracy. Government Agencies must not be allowed to lie, intimidate and deny the constitutional rights of citizens. This is not Iran or China! The rule of law and the constitution must be upheld! The Securities Division's actions are deplorable and a threat to the freedom of every citizen. This case must be immediately dismissed and the AZ Corporation Commission Securities Division must be sanctioned to the fullest extent of the law!

Whereas both the SEC and Arizona Securities Act allow for "statutory private offering exemption" and even the AZ Corporation Commission Securities Division's supposed evidence clearly demonstrates the Respondent was following SEC Regulation D and therefore is exempt from registration from both the Federal Government and the state of Arizona and whereas no law has been broken & no party harmed in any way, this case must be immediately dismissed.

"A. Statutory Private Placement Exemption.

Section 4(2) of the federal Securities Act of 1933 (the "1933 Act") provides an exemption from the registration provisions of section 5 of the 1933 Act for "transactions by an issuer not involving any public offering." Section 44-1844(A)(1) of the Arizona Securities Act provides a similar exemption. These exemptions from the registration requirements of the 1933 Act and the Arizona Securities Act each are referred to as a 'statutory private offering exemption'."

AS 8-31-09

Motion for Immediate Dismissal & Severe Sanctions

Respondent: Kyle Schmierer

Whereas, the AZ Corporation Commission Securities Division has from the beginning and continually lied to the Respondent, this case must be dismissed immediately without prejudice or delay. They threatened me with false felony charges and refused to tell me what law if any I violated. Now that it is clear I did not violate any law it is clear their sole purpose was to scare me into submitting to their intimidation and paying their fine of \$5,000 USD. This is extortion and illegal and terribly immoral! This case must be dismissed immediately and the AZ Corporation Commission Securities Division must be sanctioned to the fullest extent of the law!

Whereas, the AZ Corporation Commission Securities Division has from the beginning and continually abused their power with complete disregard for democracy and the intent of the legislature that created the securities laws, this case must be dismissed immediately without prejudice or delay.

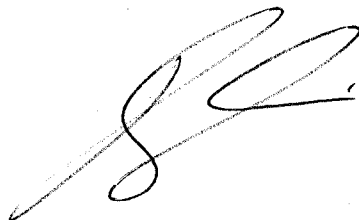
Whereas, the AZ Corporation Commission Securities Division has conducted unfair business practice by abusing their authority of a state agency, this case must be dismissed immediately without prejudice or delay.

Whereas, the AZ Corporation Commission Securities Division has from the beginning and continually practiced harassment, intentional misrepresentation, and breach of fiduciary duties in the pursuit of a malicious prosecution, thereby, this case must be dismissed immediately without prejudice or delay, if fairness and justice are of any import to this court.

Additionally, this nefarious, egregious, illegal and immoral behavior of attempted extortion by malicious prosecution demands sanctions against AZ Corporation Commission Securities Division.

Because such malicious prosecution and attempted extortion have prevented Respondent from raising money for his business to create jobs and tax revenue for the state and federal government, wasted months of his time and caused great trauma & distress, and to prevent such illegal and immoral behavior in the future, the **Arizona Corporation Commission Securities Division** should be additionally sanctioned a minimum of \$1,000,000.00 USD for malicious prosecution, attempted extortion, and for their continued attempts to deny the respondent a fair trial and deny our sacred Constitutional Rights!

Sincerely, Kyle Schmierer 8-31-2009



8-31-09